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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,180	09/27/2001	Marcel B. Manzardo	2001P17794US	3046

7590 07/18/2005

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER	
OSMAN, RAMY M	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,180	MANZARDO, MARCEL B.	
	Examiner	Art Unit	
	Ramy M. Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This communication is in response to amendment filed on April 12, 2005, where applicant amended claim 1. Claims 1-26 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims rejected under 35 U.S.C. 102(e) as being anticipated by Zhu et al (US Patent No 6,567,8013).**

4. In reference to claim 1, Zhu teaches a method for allowing a stand-by server to take over support for communications from a main server, comprising:

Detecting, by a stand-by server, lack of a signal initiated by a main server, wherein reception of said signal is indicative of availability of said main server; establishing a connection with at least one client connection device (column 8 lines 44-52 and column 9 lines 1-22, Zhu discloses detecting lack of a heartbeat signal indicating server availability, and establishing a replacement connection with a client);

requesting current call state information from said client connection device; receiving current call state information from said client connection device (column 9 lines 8-15, Zhu discloses recovering state information from a local client); and

updating a call state information resource based on said current call state information received from said client connection device (column 9 lines 8-25 and column 10 lines 1-10, Zhu discloses updating status information).

5. In reference to claim 2, Zhu teaches the method of claim 1 , further comprising: receiving configuration information (column 9 lines 8-15, Zhu discloses receiving configuration information).

6. In reference to claim 3, Zhu teaches the method of claim 1, wherein said establishing a connection with at least one client connection device includes establishing a connection with said client connection device using an IP address known to said client connection device (column 9 lines 35-55, Zhu discloses communication via TCP/IP, wherein clients inherently use IP addresses).

7. In reference to claim 4, Zhu teaches the method of claim 1 , wherein said requesting current call state information from said client connection device includes requesting information from said client connection device regarding status of at least one communication line supported by said client connection device (column 9 lines 8-25, Zhu discloses recovering status information).

8. In reference to claim 5, Zhu teaches the method of claim 1 , wherein said receiving current call state information from said client connection device includes receiving information

regarding status of at least one communication line supported by said client connection device (column 9 lines 8-15, Zhu discloses recovering status information of the communication line).

9. In reference to claim 6, Zhu teaches the method of claim 1, further comprising:

prior to said detecting lack of a signal initiated by said main server, receiving at least one signal initiated by said main server, said at least one signal being indicative of availability of said main server (column 8 lines 44-52, Zhu discloses detecting lack of a heartbeat signal indicating server availability, and establishing a replacement connection with a client).

10. In reference to claim 7, Zhu teaches the method of claim 1 , further comprising:

requesting information regarding availability of said main server after said detecting lack of a signal initiated by said main server indicative of availability of said main server (column 8 lines 44-67, Zhu discloses detecting lack of a heartbeat signal indicating server availability, and establishing a replacement connection with a client).

11. In reference to claim 8, Zhu teaches a method for allowing a client connection device to switch between a main server and a stand-by server, comprising:

conducting a call via a connection with a main server; dropping said connection to said main server; establishing a connection with a stand-by sewer to support said call (column 5 lines 54-67 and column 8 lines 44-52, Zhu discloses detecting lack of a heartbeat signal indicating server availability, and establishing a replacement connection with a client);

receiving a request for call state information from said stand-by server; providing current call state information to said stand-by server; and conducting said call via said connection with said stand-by server (column 9 lines 8-25 and column 10 lines 1-10, Zhu discloses recovering status information of the communication line).

12. In reference to claim 9, Zhu teaches the method of claim 8, wherein said dropping said connection to said main server includes maintaining said call while dropping said connection to said main server (column 9 lines 1-20, Zhu discloses a dropped connection with a main server while maintaining connection state information).

13. In reference to claim 10, Zhu teaches the method of claim 8, further comprising:

detecting lack of a signal sent initiated by a main server, wherein reception of said signal is indicative of availability of said main server (column 8 lines 44-52 and column 9 lines 1-20, Zhu discloses detecting lack of a heartbeat signal indicating server availability, and establishing a replacement connection with a client).

14. In reference to claim 11, Zhu teaches the method of claim 10, further comprising:

prior to said detecting lack of a signal initiated by said main server receiving at least one signal initiated by said main server, said at least one signal being indicative of availability of said main server (column 8 lines 44-52, Zhu discloses detecting lack of a heartbeat signal indicating server availability, and establishing a replacement connection with a client).

15. In reference to claim 12, Zhu teaches the method of claim 8, wherein said establishing a connection with a stand-by server to support said call includes maintaining said call (column 9 lines 8-15, Zhu discloses establishing a connection with a replacement server).

16. In reference to claim 13, Zhu teaches a method for allowing a stand-by server to take over support for communications from a main server, comprising:

detecting lack of a signal sent initiated by a main server, wherein reception of said signal is indicative of availability of said main server; establishing a connection with at least one client connection device (column 8 lines 44-52 and column 9 lines 1-10);

requesting that said client connection device reset an active call to a designated call state; and creating a call state information resource based, at least in pad, on said designated call state (column 9 lines 8-25 and column 10 lines 1-10).

17. In reference to claim 14, Zhu teaches the method of claim 13, further comprising: receiving configuration information (column 9 lines 8-15).

18. In reference to claim 15, Zhu teaches the method of claim 13, further comprising:

prior to said detecting lack of a signal initiated by said main server, receiving at least one signal initiated by said main server, said at least one signal being indicative of availability of said main server (column 8 lines 44-65).

19. In reference to claim 16, Zhu teaches the method of claim 13, further comprising:

requesting information regarding availability of said main server after said detecting lack of a signal initiated by said main server indicative of availability of said main server (column 8 lines 44-65).

20. In reference to claim 17, Zhu teaches a method for allowing a client connection device to switch between a main server and a stand-by server, comprising:

conducting a call via a connection with a main server; dropping said connection to said main server; establishing a connection with a stand-by server to support said call (column 5 lines 54-67, column 8 lines 44-52 and column 9 lines 1-10);

receiving a request initiated by said stand-by server to reset said call to a designated call state; and resetting said call to said designated call state (column 9 lines 8-25 and column 10 lines 1-10).

21. In reference to claim 18, Zhu teaches the method of claim 17, wherein said dropping said connection to said main server includes maintaining said call while dropping said connection to said main server (column 9 lines 1-25).

22. In reference to claim 19, Zhu teaches the method of claim 17, further comprising:

detecting lack of a signal initiated by a main server, wherein reception of said signal is indicative of availability of said main server (column 8 lines 44-52).

23. In reference to claim 20, Zhu teaches the method of claim 19, further comprising: prior to said detecting lack of a signal initiated by said main server, receiving at least one signal initiated by said man server, said at least one signal being indicative of availability of said main server (column 8 lines 44-65).

24. In reference to claim 21, Zhu teaches the method of claim 17, establishing a connection with a stand-by server to support said call includes receiving a signal from said stand-by server, said signal using a known IP address (column 9 lines 35-55, Zhu discloses communication via TCP/IP, wherein IP addresses are used).

25. In reference to claim 22, Zhu teaches the method of claim 17, wherein said establishing a connection with a stand-by server to support said call includes maintaining said call (column 9 lines 8-15).

26. In reference to claims 23 and 25, Zhu teaches a method and a respective computer program product for allowing a stand-by server to take over support for communications from a main server, comprising:

a main server establishing at least one connection with at least one client connection device for support of at least one call (column 4 lines 35-37 and column 5 lines 54-67);

said main server providing at least one signal to a stand-by server when said main server is available (column 8 lines 44-52);

said stand-by server establishing at least one connection with said at receiving at least one signal initiated by said main server, said at least one signal being indicative of availability of said main server (column 9 lines 1-22 and column 10 lines 30-65);

said stand-by server requesting call state information from said at least one client connection device (column 9 lines 8-15); and

said stand-by server updating a call state information resource based on said call state information received from said at least one client connection device (column 9 lines 8-25 and column 10 lines 1-10).

27. In reference to claims 24 and 26, Zhu teaches the a method and a respective computer program product for allowing a stand-by server to take over support for communications from a main server, comprising:

a main server establishing at least one connection with at least one client connection device for support of at least one call (column 4 lines 35-37 and column 5 lines 54-67);

said main server providing at least one signal to a stand-by server when said main server is available (column 8 lines 44-52);

said stand-by server establishing at least one connection with said at least one client connection device when said stand-by server does not receive a designated number of signals from said main server indicative of availability of said main server (column 9 lines 1-22 and column 10 lines 30-65);

said stand-by server requesting said at least one client connection device to reset to a designated call state (column 9 lines 8-15); and

said stand-by server creating a call state information resource based, at least in part, on said designated call state (column 11 lines 1-10).

Response to Arguments

28. Applicant's arguments filed 4/12/2005 have been fully considered but they are not persuasive.

29. Applicant argues that Zhu does not disclose a method including a stand-by server detecting lack of a signal initiated by a main server that is indicative of availability of the main server. Applicant specifically states "Zhu does not disclose on of the CB servers that operates as a replacement for a failed CB server detecting the lack of a signal initiated by a main server".

In reply, the claims are written broadly and are therefore interpreted broadly. The stand-by server can be interpreted to be the meeting manager of Zhu. This is because the claims fail to state that the stand-by server "operates as a replacement for a failed ... server". Rather the claims broadly mention the stand-by server taking "over support for communication". Therefore, the meeting manager of Zhu is interpreted to "to take over support for communication" because that is its exact function, to manage (i.e. support) a failed server (i.e. main server) (column 8 lines 44-67, column 9 lines 1-22 and column 10 lines 30-65).

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
June 30, 2005

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